

O.J. v. Chappaqua Central School District

**Exhibit C to
Plaintiff's Motion for
Preliminary Injunction**

Policy 5030: Student Code of Conduct

I. Introduction

The mission of the Chappaqua Central School District is to create a community for learning, in which students, parents and staff are joined in the pursuit of academic excellence, personal growth and responsible citizenship. The District's objective in creating the Student Code of Conduct is to establish an orderly educational environment and to enable students to become responsible, respectful and caring citizens within the school and community setting.

The Chappaqua Central School District actively promotes equity, cultural competence, inclusion and academic readiness. We promote a culturally and ethnically sensitive environment where each student is valued equally and where diversity and inclusivity are the norm. In support of this culture of equity and fairness, the District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, acceptance, honesty and integrity. In addition, the District is dedicated to creating an environment that promotes student success, balanced with student rights and responsibilities. All students have the right to a safe, inclusive, and equitable education that meets their individual needs. Students share in the responsibility of establishing and maintaining a safe school environment.

The Student Code of Conduct defines individual responsibilities, describes unacceptable behavior and provides for appropriate disciplinary and remedial actions. All students are expected to treat other students, school personnel, business invitees and visitors with respect. The District will not tolerate behavior which infringes on the rights of others to learn or work productively in a safe, non-hostile environment. The Code shall accomplish the following objectives:

- recognize and encourage acceptable behavior;
- identify, recognize and deter unacceptable behavior;
- promote self-discipline and help students to accept responsibility for their own actions, consistent with their readiness;
- consider the welfare of the individual as well as that of the school community as a whole;
- promote a close working relationship between parents and the school



English

- distinguish between minor and serious offenses, as well as between first time and repeated offenses;
- provide disciplinary responses that are appropriate to the misbehavior;
- outline procedures to ensure that the Code is administered in a way that is fair, reasonable and consistent;
- ensure every student's right to reasonable due process when accused of misconduct;
- comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the NYS Education Department and the Board of Regents.

The Student Code of Conduct applies to any student behavior that occurs on school property, during remote instruction, at a school function (whether on or off school property), or during a school sponsored trip, or which constitutes off-campus misconduct, all of which terms are defined herein. The Bill of Rights and Responsibilities of Students ([Policy 5020 \(/fs/pages/697\)](#)), Student Sexual Harassment Policy ([Policy 5080 \(/fs/pages/595\)](#)), Harassment, Bullying and Discrimination Prevention and Intervention Policy ([Policy 5052 \(/fs/pages/590\)](#)), and School Policy on Alcohol and Drug Use by Students Participating in Sports and Extracurricular Activities ([Policy 5005 \(/fs/pages/695\)](#)) provide additional guidelines and specific regulations although the Student Code of Conduct and its Administrative Regulations takes precedence over these policies and any related regulations.

The District believes that order and discipline are a shared responsibility between school, home and community. In accordance with State education law, this Student Code of Conduct was developed in collaboration with students, teachers, administrators, parent organizations, school safety personnel and other Board approved school personnel. It recognizes that the Board of Education is responsible for ensuring that the essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of students. The Superintendent and administrative staff are responsible for the development of administrative regulations to implement the Student Code of Conduct. The District encourages a strong, cooperative relationship between school and home so that parents will provide the necessary structure to promote students' social, emotional, and educational growth.

II. Essential Partners

Parents, students, staff, faculty, administrators and the Board of Education are essential partners in providing an appropriate educational environment for all district students. A successful learning community depends on a shared commitment to education and to communicating respectfully with one another.

ROLE OF STUDENTS



English

- to conduct themselves in an appropriate and civil manner, with due regard for the rights and welfare of all others in the school community, as well as for District facilities and equipment and the property of others onsite and remotely;
- to know the school rules and obey them onsite and remotely;
- to accept responsibility for one's own actions onsite and remotely;
- to help in promoting order and preventing school violence by reporting any person observed on school grounds or at a school function with a weapon, alcohol, or an illegal substance and to report any vandalism, harassment, discrimination or threat of violence to a school official or other responsible adult;
- to be open to participation in resolving conflicts through a restorative process.
- to reflect on their role as described above and what that looks like in practice.

ROLE OF SCHOOL DISTRICT PERSONNEL AND CONTRACTOR EMPLOYEES

- to promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- to report to the Principal, or the Principal's designee, any student who violates the Student Code of Conduct or jeopardizes the safety of themselves or others;
- to maintain confidentiality in accordance with federal and state law.
- to reflect on their role as described above and what that looks like in practice.

ROLE OF TEACHERS

- to promote a climate of mutual respect and dignity which will strengthen each student's positive self-image, regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity, gender expression, and transgender status) or sex;
- to create a classroom environment that contributes to the total instructional program and to the student's development of civic responsibility;
- to communicate to students and parents about course objectives and requirements, grading procedures, assignment deadlines, expectations for classroom behavior and consequences;
- to seek to develop close cooperative relationships with building staff and parents for the educational benefit of the student;
- to report to the Principal, or the Principal's designee, any student who violates the Student Code of Conduct, jeopardizes the safety of themselves or others, or who seriously interferes with the instructional program of the class;
- to maintain student confidentiality in accordance with federal and state law,



- to demonstrate desirable standards of behavior through personal example;
- to comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in a domestic setting and in an educational setting.
- to reflect on their role as described above and what that looks like in practice.

ROLE OF THE PRINCIPAL

- to seek to develop a sound and healthful atmosphere of mutual respect;
- to collaborate with and support teachers and parents in working with students;
- to assume responsibility for the dissemination and enforcement of the Student Code of Conduct and Student Rights and Responsibilities and ensure that all discipline cases referred are resolved promptly;
- to ensure that students are provided with fair, reasonable and consistent discipline;
- to comply with pertinent state and federal laws governing hearings, suspensions and student rights;
- to develop and implement an effective Student Code of Conduct supported by students, parents, staff and community;
- to maintain student confidentiality in accordance with federal and state law;
- to demonstrate desirable standards of behavior through personal example;
- to comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in a domestic setting and in an educational setting;
- to communicate with parents, staff, and/or students when there is an incident where hate speech, bias, and/or discrimination occurs that results in disciplinary action that rises to the level of a superintendent's hearing (if there is an identified victim or victims of this behavior, he/she/they will have considerable influence in how and what is communicated);
- to provide support for students who are harmed by others, including, acknowledgment of the incident, reassurance that steps are being taken to address the behavior, and providing resources for social-emotional healing;
- to provide support for students to resolve conflicts through a restorative process if appropriate.
- to reflect on their role as described above and what that looks like in practice.
- to create space and time for stakeholders to understand and reflect on their roles as described above.

ROLE OF DISTRICT ADMINISTRATORS



English

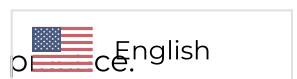
- to collaborate with and support building administrators in fulfilling their obligations under the Student Code of Conduct;
- to recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
- to develop and implement an effective Student Code of Conduct supported by students, parents, staff and community;
- to maintain student confidentiality in accordance with federal and state law;
- to demonstrate desirable standards of behavior through personal example;
- to comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in a domestic setting and in an educational setting;
- to communicate with the District when themes and behavior patterns emerge;
- to communicate quarterly to the Board of Education incidents that involve hate speech, bias, and discrimination.
- to reflect on their role as described above and what that looks like in practice.
- to create space and time for stakeholders to understand and reflect on their roles as described above.

ROLE OF THE BOARD OF EDUCATION

- to fulfill its obligations under the Student Code of Conduct;
- to annually review and approve the Student Code of Conduct, making changes, if necessary;
- to maintain student confidentiality in accordance with federal and state law;
- to comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in an educational setting.
- to reflect on their role as described above and what that looks like in practice.

ROLE OF PARENTS

- to promote a climate of mutual respect, dignity, and cooperative relationships;
- to know school rules and help their children understand and follow them;
- to cooperate with the school in jointly resolving any school related problem;
- to notify school officials about concerns in a respectful and timely manner;
- to be respectful and courteous to staff, other parents and students;
- to assume responsibility for any financial obligations incurred as the result of their child's damage to, loss of, or destruction of property;
- to be open to having your child participate in a restorative process to resolve student conflicts.
- to reflect on their role as described above and what that looks like in practice.



III. Definitions

Administrators - includes Principal, Assistant Principal, Athletic Director and Superintendent, or any such person designated as acting in such capacity by an appropriate official of the District.

Bias Incident – Any act or behavior that is a violation of the Student Code of Conduct and reasonably believed to be motivated by a consideration (real or perceived) of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity, gender expression, and transgender status) national origin, marital or parental status, sexual orientation, citizenship status, disability or any other basis prohibited by law.

Bullying or Intimidation - For purposes of this policy bullying shall have the same meaning as harassment.

Controlled Substance - is a drug or other substance identified in certain provisions of the federal Controlled Substance Act specified in both federal and New York State law and regulations applicable to this Code.

Cyberbullying - Cyberbullying is defined as harassment or bullying through any form of electronic communication. In order to be actionable under this Policy, cyberbullying that occurs off school property must create, or would foreseeably create, a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Types of cyberbullying can include, but not be limited to, posting, sending or forwarding inappropriate, hateful, humiliating or derogatory messages or images, sharing private information, sending hateful or defamatory remarks that can include racial, religious, ethnic, or homophobic messages or statements based upon any actual or perceived characteristics including, but not limited to, those under bullying and harassment.

Discrimination - For purposes of this policy, the term discrimination means the denial of rights, benefits, justice, equitable treatment or access to facilities based on a person's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity, gender expression, and transgender status) and sex.



English

Discrimination or harassment within the meaning of this policy shall include a single severe incident or multiple incidents that are pervasive in nature that create a hostile environment.

Firearms - pursuant to 18 USC 921 for purposes of the Gun Free Schools Act means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device. Such term does not include a non-functional antique firearm.

Harassment – For purposes of this policy, the term harassment shall mean the creation of a hostile environment by conduct, verbal threats, intimidation or abuse including cyberbullying that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his/her/their own physical safety, or (c) reasonably causes or reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach the school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity, gender expression, and transgender status), political expression or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

Hate Speech – Making a slur or statement or drawing (through any means) a symbol about any individual or identifiable group of individuals which demeans him/her/them because of his/her/their race, color, national origin, ancestry, sex, gender (including expression), gender identity, sexual orientation, disability, age, religion or other protected status, or a perception or belief about race (including traits historically associated with race, such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity, gender expression, and transgender status), sexual orientation, disability, age, religion or other protected status and/or which has the foreseeable effect of exposing such person or group to threats, shame, humiliation, persecution or ostracism. Whether spoken, written, in notebooks, on walls, or on a computer or mobile device, etc., incidents of this type are unprotected speech and will not be tolerated. Hate speech may or may not rise to the level of a crime.



English

Hate Crimes - Are statutorily delineated criminal offenses that are motivated by bias. Hate crimes can target an individual or a group of individuals on public or private property. A person commits a hate crime when he or she commits a specified offense (set forth in Section 485.05 of NYS Penal Law) and either (1) targets a particular victim because of a belief or perception regarding race (including traits historically associated with race, such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity, gender expression, and transgender status), religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct or (2) commits an act as a result of that type of belief or perception.

Hazing - is any action taken or situation created by a student or group of students intentionally to produce mental or physical discomfort, embarrassment or ridicule in the course of another student's initiation into or affiliation with any organization or group, regardless of the student's willingness to participate.

Illegal drugs - mean any controlled substance except those legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

Inappropriate Dress and Grooming - Any dress or appearance which constitutes a threat or danger to the health and safety of students or constitutes a disruption to the educational process, including, but not limited to, wearing any attire which is lewd, vulgar or indecent or contains any expressions or insignia that: are obscene or libelous; denigrate others on account of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity, gender expression, and transgender status), or disability; or promotes, endorses, or encourages the use of alcohol, tobacco, controlled substances, illegal drugs, or other illegal or violent activities.

Parent - means a parent, guardian, or person in parental relation to a student. Such definition shall also include those individuals identified as parents under Section 200.1 of the Commissioner of Education's regulations with respect to students with educational disabilities.

Pupil Personnel Services Staff (PPS) - includes social workers, school psychologists, and Special Education and Related Services staff.



English

Off-campus misconduct - any violation of the Student Code of Conduct which occurs beyond school property or outside of a school function that may endanger the health or safety of students within the educational system or adversely affect the educative process, in accordance with the decisional law of the Commissioner of Education.

Onsite instruction - instruction of students on campus.

Remote instruction - instruction of students off campus using online platforms and other technology.

Respect - is an act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts and opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, keeping one's hands to one's self and not violating others' personal space.

Responsibility - is an obligation to behave in accordance with social norms and being held accountable for one's actions.

Restorative Approaches – Interventions designed to hold students accountable for harm and address the needs of students and staff harmed and the school community. The purpose is to build healthy communities, increase social capital, decrease incidents and antisocial behavior, repair harm and restore relationships. The common tenets of restorative practices are to bring the affected members of the school community together, make amends and reintegrate students into the school setting. It is intended to help students:

- learn from their mistakes
- understand why their behavior was unacceptable
- acknowledge the harm they caused or the negative impact of their actions
- understand what they could have done differently
- take responsibility for their actions
- learn positive strategies and skills to use in the future
- understand that further consequences and/or interventions will be implemented if the unacceptable behavior continues.

School property - means in or within any building, structure, athletic playing field, playground, parking lot, or land within the real property boundary line of a Chappaqua Central School District elementary or secondary school or in or on a school bus, as defined in Vehicle and Traffic Law 142.



English

School function - a school-sponsored event or activity, regardless of location.

School-sponsored Trip - both field trips and extracurricular trips officially sanctioned by the District in accordance with [Policy 4055 \(/fs/pages/575\)](#).

Threat of Mass Harm – With the intent to intimidate a group of people or to create public alarm, a person threatens to inflict or cause to be inflicted serious physical injury or death at a school and thereby causes a reasonable expectation of fear of serious physical injury or death or causes the evaluation or lockdown of a school. Where a person makes a threat of mass harm and, in addition, makes any overt act to commit the threat of mass harm (such as making a plan to carry out the threat, compiling a list of targets, possessing a weapon or device that can be used to carry out the threat, or other preparatory action), it is an **Aggravated Threat of Mass Harm**.

Vandalism - The intentional or reckless damage or destruction of school property or the property of others, including, but not limited to, the marking, drawing or painting of school property with any impression or insignia that are: obscene or libelous; denigrates others on account of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity, gender expression, and transgender status) or disability.

Violent student - an elementary or secondary student under twenty-one years of age who: (1) commits an act of violence upon a teacher, administrator or other school employee; (2) commits an act of violence upon another student or any other person; (3) possesses a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death; (4) displays what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury; (5) threatens to use any instrument that appears capable of causing physical injury or death; (6) knowingly and intentionally damages or destroys the personal property of a school district employee, another student, or any person; or (7) knowingly and intentionally damages or destroys school property.

Weapon - means any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, box cutter, stiletto, electronic dart gun, electronic gun, gravity knife, switchblade knife, pilum ballistic knife, knuckle knife, cane sword, billy, blackjack, bludgeon, metal knuckles, chuka stick, sandclub, wrist-brace type slingshot or slingshot, shiriken or Kung Fu star or any weapon specified in Section 265.01 of the New York State Penal Law.



English

IV. Consequences and Disciplinary Actions

Staff members will deal fairly, impartially, and directly with an infraction of the Student Code of Conduct when and where it occurs. Those authorized to impose consequences will consider the factors such as student's age; nature and circumstances of the offense; whether or not the student has been subject to prior relevant disciplinary intervention for similar and/or unrelated conduct; effectiveness of discipline; information from parents, teachers and others as appropriate.

Understanding consequences as “teachable moments” is fundamental to a positive approach to discipline. Progressive consequences seek to ensure accountability and behavior change. In general, consequences will be progressive; a second violation will usually merit more severe consequences than the first, and so on. The District reserves the right to take the most severe action in a first event of serious misconduct and/or to notify appropriate law enforcement agencies if a student engages in or is suspected of engaging in conduct which would constitute a crime (see VIII. Reporting Code Violations).

The range of consequences for violations of this Code which may be imposed by the individuals noted below include the following:



1. Oral warning;	School personnel
2. Written warning;	Teacher, PPS, Guidance, Administrator
3. Oral or written notification to parents;	Teacher, PPS, Guidance, Administrator
4. Detention; (including Saturday detention)	Teacher, Administrator
5. Parent conference;	Teacher, PPS, Guidance, Administrator
6. Probation;	Administrator
7. Confiscation;	School personnel
8. Reprimand;	Teacher, PPS, Guidance, Administrator
9. Removal of privileges;	Administrator
10. Restitution;	Administrator
11. Removal, cover up, replacement of offending clothing and/or accessories;	Teacher, PPS, Guidance, Administrator
12. Removal from classroom;	Teacher, Principal, Administrator
13. Academic penalties;	Teacher, Administrator
14. Suspension from transportation;	Principal, Superintendent
15. Suspension from athletic participation;	Administrator
16. Suspension from social, extra-curricular, or other school-related activities;	Administrator
17. Exclusion from a particular class;	Administrator
18. Restricted study/alternative learning site (In-School Suspension);	Principal
19. Suspension from school for up to five (5) school days;	Principal, Superintendent, Board of Education
20. Suspension from school in excess of five (5) school days;	Superintendent, Board of Education
21. Suspension from school for at least one (1) year;	Superintendent, Board of Education
22. Placement in an interim alternative educational setting for a period of up to forty-five (45) school days;	Superintendent, Board of Education
23. Permanent suspension (expulsion);	Superintendent, Board of Education
24. Police, court, or social agency referral	Administrator, Board of Education



English

Restorative approaches may be used in lieu of, or in addition to, disciplinary consequences in an appropriate case. Restorative approaches require the student to take responsibility for their actions, make amends with those who have been hurt by those actions and demonstrate an awareness of oneself so that the behavior is not repeated.

School administrators will not investigate code of conduct violations that are alleged to have occurred while the student was enrolled in a different building unless the violation constitutes a crime. In the event a crime may have occurred, the school administrator will report the incident to law enforcement immediately. The school administrator may conduct DASA or other appropriate investigations (e.g. Title VI, Title IX, Section 504) for an incident that occurred in a different school even if no crime occurred, which may result in a safety plan for students.

V. Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions

Extra-curricular and co-curricular activities, as well as school functions (including dances, prom, and graduation), are privileges, not rights. A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions of this policy, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal will allow the parent/guardian of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school (in-school or out-of-school) pursuant to §3214 of the Education Law, he/she shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities (including but not limited to dances, prom, and graduation), which take place on the days of suspension (including intervening weekends). In addition, a student's disciplinary record may have an impact on the student's participation in graduation ceremonies and other school-sponsored activities such as the senior trip and prom.

VI. Infractions and Potential Consequences, including Disciplinary Actions

Attachment I provides some examples of infractions and the potential consequences. The list is not intended to be all inclusive. The Board of Education reserves the right to review the list and modify, as necessary. Each infraction corresponds to a range of possible consequences. In addition, further guidance for infractions and disciplinary measures are referenced in the School Policy on Alcohol and Drug Use by Students Participating in Sports and Extracurricular Activities ([Policy 5005 \(/fs/pages/695\)](https://www.chappaquaschools.org/board-of-ed/policies-and-regulations/policies-and-regulations-5000-students/policy-5030-student-code-of-conduct)).



English

VII. Restorative Justice

For High School and Middle School students who commit an infraction of the Code of Conduct that results in a short-term suspension (5 days or less of out-of-school suspension for High School and 5 days or less of in-school or out-of-school suspension for Middle School) the student may request to have their file reviewed for consideration of having their record expunged of the short-term suspension, under the following conditions:

1. The student had no additional violations of the Code of Conduct for a period of 12 months;
2. The student successfully completed a substantial educationally reflective process which may include counseling;
3. The student successfully completes a substantial community service project.
4. If applicable, the student will interact and make amends with the student/students harmed by the behavior. Furthermore, the student/students harmed by the behavior will be consulted with for feedback on how this redress process should occur. *(Please note a student may be suspended for an offense where there is no victim and this provision would not apply).*

The Building Principal must approve the restorative justice action plans in advance of the 12 month review period and certify the plan has been completed.

Beginning in ninth grade, students at the high school level have the opportunity to engage in a restorative process leading to a suspension expungement only once during their high school years. Behaviors for which a suspension was expunged will be considered in future penalties for serious incidents.

This procedure may be applicable to any Superintendent's suspension level offenses at the sole discretion of the Superintendent.

VIII. Disciplinary Procedures

The due process a student is entitled to receive before a disciplinary action is imposed depends on the nature of the infraction. A school official empowered to impose a disciplinary measure shall inform the student of the alleged misconduct and investigate the matter in a way a reasonable person would deem fair. A student may have an opportunity to present their own version of the facts to the appropriate school official prior to the imposition of discipline.

Removal of a student from the classroom by a teacher and suspension of a student from required attendance upon instruction shall be in accordance with Section 3214 of the Education Law and Section 100.2(l) of the Commissioner's Regulations. Additional due process rights to which a student may be entitled are put forth in Administrative Regulations.



IX. Reporting Code Violations

Students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function or observing a bias incident, harassment or hate speech, is expected to report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

Students are prohibited from knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.

District staff are expected to promptly report violations of the code of conduct to the Principal or designee. The District will report any acts of violence against persons that may constitute a felony or misdemeanor and other violations of the Student Code of Conduct which may constitute a felony to the appropriate local law enforcement agency. When necessary, the District will file a complaint in criminal court against the student. In addition, the District may report any violations of the Student Code of Conduct which constitute a misdemeanor to the appropriate authorities. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court. The District shall submit to the State Education Department Violent and Disruptive Incident Reports (VADIR) for each school building on an annual basis.

X. Students with Disabilities

If a student's conduct is related to a disability or suspected disability, the case may be referred to the Committee on Special Education (CSE). If a student with a disability receives an out of school suspension, the CSE will be notified by the Principal or the Principal's designee. Any discipline will be administered in accordance with the section in Administrative Regulations relating to students with, or presumed to have, a disability. The suspension of students with educational disabilities shall also comply with the Individuals with Disabilities Education Improvement Act and Part 201 of the Commissioner's Regulations.

The suspension of a student with a disability pursuant to Section 504 of the Rehabilitation Act of 1973 shall be in accordance with such law, as well as the decisional law of the Commissioner of Education. Such procedures shall be placed in Administrative Regulations and disseminated with the Student Code of Conduct.



XI. Alternative Instruction

Pursuant to the Education Law, no student of compulsory school age (through school year during which student turns 16) shall be suspended from school in their regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. A good faith effort shall be made to provide such instruction immediately.

XII. Dissemination

The District shall:

- Provide digital access to a summary of the Code to all students in an age-appropriate version, at the beginning each school year.
- Provide parents/persons in parental relation to students with digital access to the Code and a summary of the Code, at the beginning of each school year and may require a written acknowledgement that the Code was received by the parents and student.
- Provide all current teachers and other staff members with digital access to the Code and any amendments to the Code as soon as practicable after adoption.
- Provide all new employees with digital access to the current Code when they are hired.
- Post a copy of this Code and its Administrative Regulations on the District website for review by students, parents and other community members.

The Board of Education shall review and update, if necessary, the Code annually. Any revisions to the Code will follow the same Board procedure used to adopt District policy and shall also include a public hearing. The Code and its Administrative Regulations will be filed with the Commissioner of Education consistent with statute.

Rescinds:

5114.1 Disciplinary Code; 5114 Suspension

5131.1 Early Identification and Resolution of Student Disciplinary Problem

Adopted by Board of Education: July 11, 2006; revised: May 22, 2007; October 10, 2012; June 19, 2013; August 30, 2018; September 1, 2020; August 30, 2021; August 31, 2022

Cross reference:

5020 Bill of Rights and Responsibilities (</fs/pages/697>).

5005 School Policy on Alcohol and Drug Use by Students Participating in Sports and



English

[Extracurricular Activities \(/fs/pages/695\)](#).

5052 [Harassment, Bullying and Discrimination Prevention and Intervention \(/fs/pages/590\)](#).

5080 [Student Sexual Harassment \(/fs/pages/595\)](#).

Regulations

- [Attachment to 5030: Code of Conduct \(/fs/pages/587\)](#).



English